Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

Minutes January 30, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, January 30, 2009, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Mmes. Donnelly-Cohen, Faricy, Lu, Morton; Porter, Smitten, Wencl; and **Present:** Messrs. Alton, Barrera, Bellus, Commers, Goodlow, Johnson, Kramer,

Margulies, and Nelson.

Commissioners

Messrs. *Gordon, *Spaulding, and *Ward.

Absent:

*Excused

Also Present: Larry Soderholm, Planning Administrator; Amy Spong, Department of Safety

and Inspections, Lucy Thompson, Patricia James, and Sonja Butler, Department

of Planning and Economic Development staff.

I. Approval of minutes January 16, 2009.

<u>MOTION</u>: Commissioner Donnelly-Cohen moved approval of the minutes of January 16, 2009. Commissioner Johnson seconded the motion. The motion carried unanimously on a voice vote.

II. Chair's Announcements

Chair Alton announced the American Planning Association's conference is coming to the Twin Cities on April 25 - April 29, 2009. He passed around a copy of APA's monthly planning magazine that focuses on Saint Paul/Minneapolis and greater Minnesota.

III. Planning Administrator's Announcements

Larry Soderholm reported on planning-related business at the City Council for last week and their agenda for next week.

IV. Communications Committee

Annual Report 2008

The Planning Commission's Annual Report for 2008 was distributed. Commissioner Smitten called attention to some highlights of the report. The biggest story is the completion of the new citywide chapters of the Comprehensive Plan. She thanked staff for getting the annual report done in time for this meeting. Commissioner Smitten said the report will be mailed out to over 300 elected officials and citizen organizations within the next two weeks and will be posted on the website. It is a way for us to remind the public of the Planning Commission's continuing work and responsibilities.

Chair Alton said the annual report looks good and it's rewarding to see a summary of how much work the Commission accomplished last year.

V. Annual Meeting

Planning Administrator's report on achievements during 2008 and goals 2009 (*Larry Soderholm*, 651/266-6575)

Mr. Soderholm offered some reflections on the past year and the material in the annual report. He said this is the first time since 1963 that the Comprehensive Plan has been done all at once instead of chapter by chapter; and it is the first time ever that we've had chapters on Historic Preservation and Water. The task forces led by Commission members did a great job of developing the chapters of the new Comprehensive Plan. He went on to thank everyone who worked on the Central Corridor in 2008. The Metro Council and the City made great strides last year toward transforming a vision into an actual project with funding and broad political support. The Planning Commission set the stage for transit-oriented development with the station area plans and zoning regulations. This progress has been accomplished through strong political leadership and deep commitment by both Planning Commission members and staff. Finally, Mr. Soderholm turned to zoning work and wanted particularly to thank Luis Pereira for his work on the Sober House Study. It was a difficult neighborhood issue.

Mr. Soderholm distributed a draft of major goals for the Planning Commission in 2009, explaining that this is a draft for discussion. Neither the Planning Commission nor PED staff have had a chance to discuss this draft yet. The draft will be discussed by the PED leadership team and the planning staff. Then it will be discussed at a subsequent Planning Commission meeting when there is a light agenda. He asked members to think about the upcoming work program in relation to the big recommendations in the Comprehensive Plan, which are listed in the annual report: increase housing choices; strengthen neighborhoods hurt by mortgage foreclosures; capitalize on the potential of the Central Corridor; maintain public infrastructure; expand the public transit system; enrich residents lives with schools, parks and recreation facilities, libraries, and cultural activities; and protect the Mississippi River and other natural resources. His planning goals for 2009 included final adoption of the new Comprehensive Plan, more Central Corridor work, a 3M site redevelopment plan, Ford site planning, a Land for Jobs Zoning Study, several district and small area plans, several zoning studies, and more work on the *Invest Saint Paul* program.

Report of Nominating Committee and Election of Officers

Commissioner Margulies reported on behalf of the Nominating Committee. The committee offered the following slate of officers: Brian Alton for Chair, Kathi Donnelly-Cohen for First Vice-Chair, Jon Commers for Second Vice Chair, and Marilyn Porter for Secretary.

Chair Alton called for nominations from the floor. There were none.

<u>MOTION</u>: Commissioner Faricy moved to close nominations and approve a unanimous ballot for Commissioners Alton, Donnelly-Cohen, Commers, and Porter as a slate. Commissioner Wencl seconded the motion. The motion carried unanimously on a voice vote.

VI. Zoning Committee

OLD BUSINESS

#08-237-826 Mendota Partners LLC – Re-establishment of nonconforming use as a 10-unit apartment building. 602 Mendota Street, NE corner at Fifth Street. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the re-establishment of nonconforming use for 8 units subject to additional conditions. The motion carried unanimously on a voice vote.

Commissioner Morton announced that the February 5, 2009 Zoning Committee meeting has been cancelled.

VII. Comprehensive Planning Committee

<u>Historic Preservation Chapter</u> - Adopt resolution recommending approval to the Mayor and City Council. (*Amy Spong*, 651/266-9079 and *Lucy Thompson*, 651/266-6578)

Lucy Thompson PED staff gave background about the plan. An email to Amy Spong and Lucy Thompson from City Attorney Peter Warner was distributed that clarifies the respective authorities of the Planning Commission and Heritage Preservation Commission to grant use variances. Mr. Warner notes that the Land Planning Act (MN Statute 462.357) specifically prohibits municipalities (i.e. the Planning Commission or Board of Zoning Appeals) from granting use variances. MN Statute 471.193, however, specifically allows the Heritage Preservation Commission to grant historic use variances, as long as the municipality has adopted an ordinance to that effect. Mr. Warner recommends going back to the original language in the document.

Ms. Thompson stated that historic use variances are granted to allow for the economically-feasible reuse of an historic resource. A use may be permitted by the Heritage Preservation Commission that otherwise would not be allowed in the zoning ordinance. Amy Spong, Historic Preservation staff, added that a new use typically needs to be related to the character of the historic building and be necessary because existing zoning creates a hardship for reuse of the building. Historic use variances are not intended to be widely used, but more for unique structures, for example, the breweries, that are otherwise difficult to reuse.

Commissioner Bellus stated that he believes the proposed language in the plan should stay as the Comprehensive Planning Committee suggested. Commissioner Kramer responded that perhaps adding the phrase "Consistent with the authority granted by State statute,..." to the beginning of Policy 5.5 would be better than what staff recommends.

<u>FRIENDLY AMENDMENT</u>: Commissioner Kramer moved to amendment 5.5(a) by adding the words "Consistent with authority granted by State statute,...".

MOTION: Commissioner Margulies moved on behalf of the Comprehensive Planning Committee to recommend that the Historic Preservation Plan as amended be adopted by the City Council as a chapter of the Comprehensive Plan. Commissioner Donnelly-Cohen seconded the motion. The motion carried unanimously on a voice vote.

<u>Asphalt and Concrete Study</u> - Release draft for public review and set a public hearing on February 13, 2009. (*Penelope Simison*, 651/266-6554)

Since Ms. Simison couldn't be at the meeting, Mr. Soderholm gave a brief description of the study's recommendations. He learned from this study that making Portland cement is a specialized industrial process, which is only done at a few plants in the United States, none in Minnesota. It uses some chemicals that pose health risks. Asphalt plants use volatile organic compounds and are smelly. Therefore, the study recommends that cement plants and asphalt plants should be regulated as conditional uses in I2 and I3 zoning districts. On the other hand, mixing concrete is just a heavy industrial activity, often outdoors, that should be a permitted use in I2 zones.

Commissioner Nelson commented that fly ash is becoming a more common ingredient in cement. Fly ash is very toxic. If companies use fly ash in their concrete batching processes, then there needs to be some care in how it is stored and handled. Using fly ash is green and sustainable because it recycles a waste product and makes the concrete stronger, but it also produces some risks. He asked the staff to look into this question.

Commissioner Kramer said that on page 6 the underlined words "Portland cement, asphalt cement, and asphalt manufacturing", should have left the word "Portland" out. At the committee meeting, Al Torstenson had said the language in the code shouldn't be quite so specific.

<u>MOTION</u>: Commissioner Donnelly-Cohen moved the Comprehensive Planning Committee's recommendation to release the draft for public review and set a public hearing for February 13, 2009. The motion carried unanimously on a voice vote.

VIII. Neighborhood Planning Committee

Chair Wencl announced that the Neighborhood Planning Committee will be having one meeting a month and the next meeting is February 18, 2009.

IX. Task Force Reports

Lucy Thompson reported on the Central Corridor Downtown Station Area Plan workshop and roundtables held on January 26-27, 2009. The Downtown Station Area Plan will address two of the three downtown station areas at 4th/Cedar and Union Depot, and will also function as an update of the Lowertown Small Area Plan. Much of the discussion at the Monday night roundtable, which was attended by 40-50 people, concerned people's issues with the LRT project itself, such as the proposed location of the Operations and Maintenance Facility at Diamond Products and the impact of LRT on property access/loading. At Tuesday's all-day workshop, about 50 people worked with staff and the consultants to answer the question: "How can LRT benefit downtown?" The workshop got people thinking beyond the train operations to how LRT can positively impact built form, land use, movement and public realm. Ms. Thompson said that she received a lot of good feedback, both about the quality of the discussion and how the day was managed. The tentative timeline is to have a draft station area plan in late March, but this date may slip a bit due to a delay in resolution of some important LRT issues that impact land use, built form, public realm and movement at the station areas.

Larry Soderholm said he attended the Tuesday night session. He was impressed that the three downtown LRT stations (10th/Cedar, 4th/Cedar and Union Depot) are all in places where there can

be a very nice public space. Mr. Soderholm was also struck by the row of architecturally significant buildings on Fourth Street. This asset of the city will become more evident to the public when LRT is built.

Commissioner Smitten stated that she is very interested in the 4th/Cedar block, including land assembly, future land use, etc. Ms. Thompson replied that PED staff are working with the Central Corridor Project Office staff to explore the Federal Transit Administration's Joint Development process, whereby federal funds are made available to support transit-oriented development in conjunction with a major transit investment. Land acquisition and assembly will also be part of this process.

Commissioner Kramer said that the 3M Site Planning Committee has begun meeting. There were two tours of 3M buildings last week, and some other Commission members and staff went on them. One building was a gigantic building of about 200,000 square feet with enormous rooms, but with lots of columns. The other building was the machine shop. It was a building that had grown very large, addition by addition. Now there are about six or eight buildings attached to one another so that the floor plan is maze-like. The Port Authority's point of view is that nobody is likely to buy either one of the buildings. There is quite a bit of community interest in trying to reuse the buildings, but there are significant challenges and not a lot of redeeming architectural value to the buildings. For more information, you can go to the Port Authority's web page: www.sppa.com/3M

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XI. New Business

XII. Adjournment

Meeting adjourned at 9:45 a.m.

Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul

Respectfully submitted,	Approved		
,,	(Date)		
Larry Soderholm, AICP	Marilyn Porter		
Planning Administrator	Secretary of the Planning Commission		

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